

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Mark Hammervold,

Plaintiff,

vs.

Larry Beckwith,

Defendant.

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NO. 3:22-CV-01053

**DEFENDANT’S MOTION FOR SUPPLEMENTAL FILING OF AN EXHIBIT TO HIS
MOTION FOR SUMMARY JUDGMENT**

Defendant Larry Beckwith (“Beckwith” or “Defendant”), by and through counsel, respectfully files this Motion for Supplemental Filing of an Exhibit to Defendant’s Motion for Summary Judgment (“Motion”), attaching a declaration from Kevin Baltz verifying the contents of his expert report previously attached to Defendant’s Motion for Summary Judgment as Exhibit 13, attached hereto as **Exhibit A**.

Defendant timely filed his Motion for Summary Judgment on June 14, 2024 (Dkt. No. 51). Defendant inadvertently did not include the Declaration of Kevin C. Baltz verifying the contents of his report, attached to his Motion for Summary Judgment as Exhibit 13. Defendant’s supplemental filing does not unduly delay this matter, present a trial inconvenience, or prejudice Plaintiff. First, the inclusion of this supplemental filing in the record, does not prejudice Plaintiff because Plaintiff already substantively responded to the related SUMF. Defendant solely relies upon Exhibit 13 in Statement of Undisputed Fact No. 37. In response, in part, Plaintiff objects to Statement of Undisputed Material Fact (“SUMF”) No. 37 as hearsay due to an affidavit or declaration from Mr. Baltz not being attached therewith; however, Plaintiff also substantively responds to SUMF No. 37 (stating that “subject to these objections, the report speaks for itself”). In addition, Defendant’s supplementation of the record with Mr. Baltz’s declaration provides no new substantive information to his Motion for Summary Judgment. Moreover, if the Court grants

[Case 3:22-cv-01053](#) [Document 73](#) [Filed 07/19/24](#) [Page 1 of 3](#) [PageID #: 727](#)

this Motion and believes that Plaintiff should be permitted to supplement its response to Statement of Undisputed Fact No. 37, Defendant does not oppose that relief.

Defendant respectfully requests that the Court grant this Motion for Supplement Filing.

Defendant conferred with Plaintiff prior to filing and Plaintiff opposing the relief sought herein.

Respectfully submitted on July 19, 2024.

/s/ Bethany Vanhooser

Bethany Vanhooser (BPR # 038594)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 19, 2024, a true and correct copy of the foregoing filing was served upon all counsel of record in this proceeding through the Court's ECF

System:

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Pro Se Plaintiff

/s/ Bethany Vanhooser